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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/500,521	02/18/2005	Gideon Schreiber	05558.0018.PCUS00	7709
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FALLS CHURCH, VA 22042-2924

EXAMINER

SAJJADI, FEREDOUN GHOTB

ART UNIT	PAPER NUMBER
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1633

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20060428

DATE MAILED:


Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents**OFFICE COMMUNICATION****Response To Amendment**

The reply filed on 3/21/2006 is not fully responsive to the prior Office Action because of the following matters(s): The amended claims are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the original elected species were directed to alanine and SEQ ID NO: 2. The current amendments of claims 62-64 read on non-elected species of aspartic acid, histidine, SEQ ID NOS: 3 and 4. The species of alanine, aspartic acid and histidine represent distinct amino acids in relation to structure and function, especially in the context of mutations within the interferon receptor. Accordingly, the amended claims present a shift from the originally claimed invention. As stated in MPEP 819[R-3], The general policy of the Office is not to permit the applicant to shift to claiming another invention after an election is made and action given on the elected subject matter.

Since the above-mentioned reply appears to be bona fide, applicant is given One (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fereydoun G. Sajjadi whose telephone number is (571) 272-3311.


Q. JANICE LI, M.D.
PRIMARY EXAMINER